

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1705 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA sd/-

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements? No

2. To be referred to the Reporter or not? No :

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement? No

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil Judge? No :

KANTILAL C PATEL

Versus

DIST PRIMARY EDUCATION OFFICER

Appearance:

MR AN PATEL for Petitioner

MR RC JANI for Respondent No. 1

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 10/12/1999

ORAL JUDGEMENT

1. The prayer of the petitioner in this petition is for directing the respondents to give the charge of Head Master of Bilia Primary Girls School according to his seniority forthwith with all consequential benefits.
2. None appears for the petitioner. Shri R.C.Jani, appeared for the respondent. He files letter dated

4.10.1999 from the concerned Authority indicating that the petitioner has retired on 31.1.1998. The said letter be kept on record. None is present to controvert. In para : 3 of the petition it is mentioned that the petitioner was appointed as primary teacher on 8.7.1963. According to the letter, filed today by Shri Jani, it is clear that the petitioner has retired on 31.1.1998. The prayer in this petition for mandamus directing the respondent to give the petitioner the charge of Head Master of Bilia Primary Girls School has become infructuous. Hence, no interference is required in this matter.

The petition, therefore, dismissed as infructuous. No order as to costs.

sd/-

Date : December 10, 1999 (D. C. Srivastava, J.)

sas